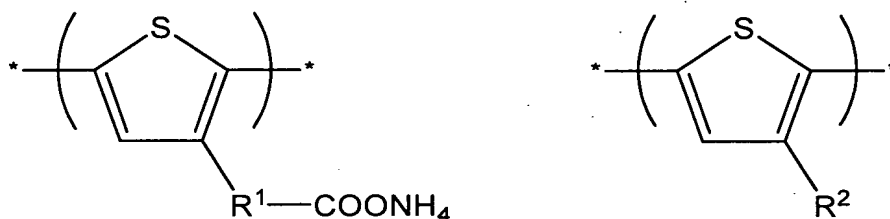


### REMARKS

The Final Office Action of January 26, 2005, has been considered by the Applicants. Claims 6 and 17 have been amended. Claims 13 and 14 have been cancelled. Reconsideration of the Application is requested.

Claims 6-8, 13, and 14 were rejected under 35 U.S.C. 102(e) as anticipated by US 6,429,040 to Bao et al. Applicants traverse the rejections.

Bao does not anticipate independent claim 6. Claim 6 has been amended to require at least one B-substituted thienylene segment (II), whereas Bao does not. Claim 6 now requires the presence of three different segments: (I), (II), and D. In his repeating units A and B, Bao only discloses two different segments:



Therefore, Bao cannot anticipate claim 6.

Regarding claims 7 and 8, Applicants are unclear as to what argument the Examiner is making. Applicants see two possible interpretations; neither interpretation causes Bao to read on the instant claims.

One interpretation is that the Examiner is arguing that Bao's repeating unit B can read on the divalent linkage D of the instant claims if  $z=0$  and  $R^1$  is aromatic. This is inconsistent with the language of claims 7 and 8, which state that D is arylene, dioxyarene, alkylene, or dioxyalkane. D can only contain carbon, oxygen, and hydrogen. Because Bao's repeating unit B contains sulfur, it does not read on the D of claims 7 and 8. In addition, the Examiner relies on Bao's repeating unit B to read on one thienylene segment (I or II) and repeating unit A to read on the other thienylene segment (II or I) of claims 6-8. Repeating unit B cannot also be used to read on the divalent linkage D, or in other words D cannot comprise segment (I) or (II). If read in this way, the claim limitations on the number of A-substituted thienylene units and B-substituted thienylene units would be removed. One of ordinary skill in the art would not give this meaning to the claims. See MPEP § 2111.01(II).

The second interpretation is that the Examiner is interpreting the limitations on R<sup>1</sup> and R<sup>2</sup> as reading on the divalent linkage D. Applicants note that in Bao, R<sup>1</sup> and R<sup>2</sup> are side chains to the thienylene units, whereas the divalent linkage D is part of the backbone of the polythiophene of the instant claims. Therefore, Bao would not read on claims 6-8.

Claims 13 and 14 have been withdrawn to expedite prosecution of this application.

For these reasons, Applicants request the rejections under § 102(e) be withdrawn.

Claims 9 and 10 were rejected under 35 U.S.C. 103(a) as unpatentable over Bao. Applicants traverse the rejection. Claims 9 and 10 are dependent upon independent claim 6. As explained above, Bao does not disclose all of the claim limitations of claim 6, so a *prima facie* case of obviousness has not been made against claims 9 and 10. If an independent claim is not obvious, then neither are its dependent claims. MPEP § 2143.03. Withdrawal of the rejections is requested.

Claims 11, 12, and 15 were rejected under 35 U.S.C. 103(a) as unpatentable over Bao in view of Duthaler. Applicants traverse the rejection. Claim 11, 12, and 15 depend from claim 6. As explained above, Bao did not disclose all the claim limitations of claim 6, specifically with regard to the chemical structure of the polythiophene. Duthaler does not teach the chemical structure of the polythiophene either. Therefore, not all claim limitations of claims 11, 12, and 15 are taught and a *prima facie* case of obviousness has not been made. If an independent claim is not obvious, then neither are its dependent claims. MPEP § 2143.03. Withdrawal of the rejections is requested.

Applicants note that claim 17 was allowed even though it depended upon rejected claim 6. In the previous amendment, Claim 17 was amended to insert a comma but was incorrectly labeled "Previously Presented." Claim 17 has again been amended to insert a comma and is correctly labeled.

**CONCLUSION**

For the above reasons, it is submitted that all pending claims (claims 6-12 and 15-37) are in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

It believed that no fee is due in conjunction with this response. If, however, it is determined that fees are due, authorization is hereby given for deduction of those fees, other than the issue fees, from Deposit Account No. 24-0037.

Respectfully submitted,  
FAY, SHARPE, FAGAN, MINNICH  
& McKEE LLP



---

Richard M. Klein (Reg. No. 33,000)  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, OH 44114  
(216) 861-5582